

AMENDED IN SENATE JUNE 16, 2014

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY MAY 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Dickinson

February 21, 2013

~~An act to amend Section 755 of the Evidence Code, relating to evidence. An act to add Section 119 to the Sacramento Area Flood Control Agency Act (Chapter 510 of the Statutes of 1990), relating to the Sacramento Area Flood Control Agency.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Dickinson. ~~Evidence; interpreters. Sacramento Area Flood Control Agency: assessments.~~

Existing law, the Sacramento Area Flood Control Agency Act, makes legislative findings and declarations relating to the establishment and purposes of the Sacramento Area Flood Control Agency. The act provides that the membership, boundaries, purposes, and governance of the agency are to be as set forth in a specified joint exercise of powers agreement. The act grants to the agency the authority to impose assessments or special taxes, and issue bonds, to finance projects in accordance with specified laws.

This bill would authorize the agency to change the boundaries of an assessment district, a project, an assessment, or an act, determination, or provision with respect to an assessment district in accordance with

specified procedures. This bill would prohibit the agency from undertaking any change with respect to any assessment district while bonds secured by the assessments levied in that assessment district are outstanding unless the board of the agency determines in the resolution of intention with respect to the change that the change will not interfere with the timely retirement of the bonds.

Existing law provides that in any action or proceeding under specified provisions of the Family Code relating to domestic violence, in which a party does not proficiently speak or understand the English language is present, an interpreter shall be present to interpret the proceedings in a language that the party understands, and to assist communication between the party and his or her attorney, except that a court may issue prescribed orders ex parte without an interpreter. Existing law specifies that the fees of these interpreters shall be paid by the parties, except that these fees shall be waived for parties who need an interpreter and appear in forma pauperis. Existing law also requires the Judicial Council to revise a specified court rule and related court forms accordingly.

~~This bill would revise cross-references to and delete obsolete provisions of law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 755 of the Evidence Code is amended to~~
2 ~~read:~~
3 ~~755. (a) In an action or proceeding under Division 10~~
4 ~~(commencing with Section 6200) of the Family Code, and in an~~
5 ~~action or proceeding under the Uniform Parentage Act (Part 3~~
6 ~~(commencing with Section 7600) of Division 12 of the Family~~
7 ~~Code) or for dissolution or nullity of marriage or legal separation~~
8 ~~of the parties in which a protective order has been granted or is~~
9 ~~being sought pursuant to Section 6221 of the Family Code, in~~
10 ~~which a party does not proficiently speak or understand the English~~
11 ~~language, and that party is present, an interpreter, as provided in~~
12 ~~this section, shall be present to interpret the proceedings in a~~
13 ~~language that the party understands, and to assist communication~~
14 ~~between the party and his or her attorney. Notwithstanding this~~
15 ~~requirement, a court may issue an ex parte order pursuant to~~
16 ~~Sections 2045 and 7710 of, and Article 1 (commencing with~~

1 Section 6320) of Chapter 2 of Part 4 of Division 10 of the Family
2 Code, without the presence of an interpreter. The interpreter
3 selected shall be certified pursuant to Article 4 (commencing with
4 Section 68560) of Chapter 2 of Title 8 of the Government Code,
5 unless the court in its discretion appoints an interpreter who is not
6 certified.

7 (b) The fees of interpreters utilized under this section shall be
8 paid as provided in subdivision (b) of Section 68092 of the
9 Government Code. However, the fees of an interpreter shall be
10 waived for a party who needs an interpreter and appears in forma
11 pauperis pursuant to Article 6 (commencing with Section 68630)
12 of the Government Code.

13 (c) In any civil action in which an interpreter is required under
14 this section, the court shall not commence proceedings until the
15 appointed interpreter is present and situated near the party and his
16 or her attorney. However, this section shall not prohibit the court
17 from doing any of the following:

18 (1) Issuing an order when the necessity for the order outweighs
19 the necessity for an interpreter.

20 (2) Extending the duration of a previously issued temporary
21 order if an interpreter is not readily available.

22 (3) Issuing a permanent order where a party who requires an
23 interpreter fails to make appropriate arrangements for an interpreter
24 after receiving proper notice of the hearing with information about
25 obtaining an interpreter.

26 (d) This section does not prohibit the presence of any other
27 person to assist a party.

28 (e) A local public entity may, and the Judicial Council shall,
29 apply to the appropriate state agency that receives federal funds
30 authorized pursuant to the federal Violence Against Women Act
31 (P.L. 103-322) for these federal funds or for funds from sources
32 other than the state to implement this section. A local public entity
33 and the Judicial Council shall comply with the requirements of
34 this section only to the extent that any of these funds are made
35 available.

36 (f) The Judicial Council shall draft rules and modify forms
37 necessary to implement this section, including those for the petition
38 for a temporary restraining order and related forms, to inform both
39 parties of their right to an interpreter pursuant to this section.

1 *SECTION 1. Section 119 is added to the Sacramento Area Flood*
2 *Control Agency Act (Chapter 510 of the Statutes of 1990),*
3 *immediately following Section 118, to read:*

4 *119. (a) For the purposes of this section, “change” includes*
5 *correct, alter, modify, add, omit, increase, decrease, extend, or*
6 *any other change.*

7 *(b) At any time the agency may change any of the following:*

8 *(1) The boundaries of an assessment district established*
9 *pursuant to this chapter.*

10 *(2) Any project identified in a report pursuant to Section 112.*

11 *(3) Any assessment levied pursuant to this chapter.*

12 *(4) Any act, determination, or provision by the agency or the*
13 *board with respect to any assessment district established pursuant*
14 *to this chapter.*

15 *(c) Proceedings for any change described in subdivision (b)*
16 *shall be initiated, conducted, and completed consistent with Article*
17 *XIII D of the California Constitution and the Proposition 218*
18 *Omnibus Implementation Act (Article 4.6 (commencing with*
19 *Section 53750) of Chapter 4 of Part 1 of Division 2 of Title 5 of*
20 *the Government Code) and consistent with the procedures provided*
21 *in this chapter for the establishment of an assessment district,*
22 *except as provided in subdivisions (d) and (e).*

23 *(d) In proceedings to annex territory to an existing assessment*
24 *district, the resolutions, report, notices of hearing, right of majority*
25 *protest, and any election shall be limited to the territory proposed*
26 *to be annexed.*

27 *(e) In proceedings to detach area from an existing assessment*
28 *district or dissolve an existing assessment district, the agency may*
29 *dispense with the preparation and approval of the report required*
30 *by Section 112.*

31 *(f) The agency shall not undertake any change with respect to*
32 *any assessment district while bonds secured by the assessments*
33 *levied in that assessment district are outstanding unless the board*
34 *determines in the resolution of intention with respect to the change*
35 *that the change will not interfere with the timely retirement of the*
36 *bonds.*